

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Zakariya Abdikarim,

Case No. 24-CV-2187 (JWB/SGE)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Sheriff Barry Fitzgibbons; Tim Brennan;  
Conor R. West; Christina M. Galewski;  
Michelle Marie Eldein; Michelle Marie  
Elder, County Attorney, in her official  
capacity, Fergus Falls County Attorney  
Office; and Ottertail County, in its official  
and individual capacity, Ottertail, MN,

Defendants.

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In an order dated July 25, 2024, plaintiff Zakariya Abdikarim was directed to pay an initial partial filing fee of at least \$5.50, consistent with 28 U.S.C. § 1915(b). *See* Dkt. No. 12. Abdikarim initially was given 30 days to pay this initial partial filing fee, but that deadline was later extended to October 8, 2024. *See* Dkt. No. 19. Abdikarim was warned that failure to pay the initial filing fee would result in a recommendation that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

The extended deadline has now passed, and Abdikarim has not paid the initial partial filing fee in this matter. Accordingly, this Court now recommends, consistent with the warning previously given to Abdikarim, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Wewerka v. Roper*, 431

F. App'x 517, 517 (8th Cir. 2011) (per curiam) (affirming dismissal without prejudice pursuant to Rule 41(b) following prisoner's failure to pay initial partial filing fee).

### **RECOMMENDATION**

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
**IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: October 17, 2024

s/ Shannon G. Elkins

Shannon G. Elkins

United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).